

Appendix C

Compendium of State DTPA Civil Penalties

State	Statutory Provision Authorizing DTPA Penalty	Maximum DTPA Penalty per Statute	Case with Highest DTPA Penalty Sustained on Appeal	Amount of Penalty	Number of Violations Alleged/ How Counted?
Alaska	Alaska Stat. Ann. § 45.50.551(b) provides “the attorney general, upon petition to the court, may recover, on behalf of the state, a civil penalty of not less than \$1,000 and not more than \$25,000 for each violation.”	Up to \$25,000 per violation	<i>Anchorage Nissan, Inc. v. State</i> , 941 P.2d 1229 (Alaska 1997)	\$64,000 ¹	14 violations related to the sale of used cars without disclosing prior accidents and odometer issues; no specific explanation of how violations were counted
Arkansas	Ark. Code Ann. § 4-88-113(a)(3) provides “the circuit court may make such orders or judgments as may be necessary to: (3) Assess penalties to be paid to the state, not to exceed [\$10,000] per violation, against persons found to have violated this chapter.”	Up to \$10,000 per violation	<i>Pleasant v. McDaniel</i> , 550 S.W.3d 8 (Ark. 2018)	\$26,000	13 violations related to defendants’ use of false identities to solicit auto-accident victims on behalf of chiropractors; no specific explanation of how violations were counted

¹ **Alaska:** The statutory maximum penalty per violation was \$5,000 at the time of the award.

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Florida	Fla. Stat. Ann. § 501.2075 provides that “any person...who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204, or who is willfully violating any of the rules of the department adopted under this part, is liable for a civil penalty of not more than \$10,000 for each such violation.”	Up to \$10,000 per willful violation	<i>Taubert v. State, Office of Atty. Gen.</i> , 79 So. 3d 77 (Fla. Dist. Ct. App. 2011)	\$2,116,500	Does not specify number of violations found or how counted; case involved allegation that defendant defrauded up to 1,411 consumers by submitting phony invoices from his company related to trademark and patent registration
Idaho	Idaho Code § 48-606(1)(e) authorizes the attorney general to “recover from the alleged violator civil penalties of up to five thousand dollars (\$5,000) per violation for violation of the provisions of this chapter.”	Up to \$5,000 per violation	No awards sustained on appeal located	N/A	N/A

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Indiana	<p>Indiana Code § 24-5-0.5-4(g) states for knowing violation “the attorney general, . . . may recover . . . on behalf of the state a civil penalty of a fine not exceeding five thousand dollars (\$5,000) per violation.”</p> <p>Also, §24-5-0.5-8, provides that a “person who commits an incurable deceptive act is subject to a civil penalty of a fine of not more than five hundred dollars (\$500) for each violation” and gives the “attorney general . . . the exclusive right to petition for recovery of such a fine”²</p>	<p>Up to \$5,000 per knowing violation under Ind. Code §24-5-0.5-4(g)</p> <p>Up to \$500 per violation under Ind. Code §24-5-0.5-8</p>	<i>State v. McKinney</i> , 508 N.E.2d 1319 (Ind. Ct. App. 1987)	\$20,000 ³	45 violations related to defendant’s sale of electromagnetic water conditioning equipment and necklaces; no specific explanation of how violations were counted

² **Indiana:** Indiana’s requests for relief have referenced both Indiana Code § 24-5-0.5-4(g), *see* Dkt. 381-1 at 3, *and* § 24-5-0.5-8, *see* MDL Dkt. 541 (Fourth Amended Complaint) ¶ 765(d). Section 24-5-0.5-4(g) permits awards of penalties up to \$5,000 per violation, while § 24-5-0.5-8 is capped at \$500 per violation.

³ **Indiana:** This amount was awarded under Ind. Code § 24-5-0.5-4(g), which at the time had a \$500 per violation maximum.

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Kentucky	Ky. Rev. Stat. § 367.990(2) provides that the attorney general may seek and recover a civil penalty up to a maximum of \$2,000 per willful violation.	Up to \$2,000 per willful violation; and up to \$10,000 for each violation targeted to consumers over the age of 65	No awards sustained on appeal located	N/A	N/A
Louisiana	La. Rev. Stat. § 51:1407(B) provides that the attorney general may seek a civil penalty from any person who commits a deceptive act, and if the court finds the violation was committed with intent to defraud, it may also “impose a penalty not to exceed \$5,000 for each violation.”	Up to \$5,000 per violation, if committed with intent to defraud	No awards sustained on appeal located	N/A	N/A

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Mississippi	Miss. Code §75-24-19(1)(b) provides that “if the court finds from clear and convincing evidence, that a person knowingly and willfully used any [prohibited] unfair or deceptive trade practice, method, or act, . . . the Attorney General, upon petition to the court, may recover on behalf of the state a civil penalty” not to exceed \$10,000.00 per violation.	Up to \$10,000 per knowing and willful violation	<i>Watson Labs, Inc. v. State</i> , 241 So.3d 573 (Miss. 2018)	\$5,241,000	5,241 violations determined by the number of times defendant published an inflated average wholesale price for a drug Medicaid reimbursed
Missouri	Missouri Rev. Stat. § 407.100(6) provides that the “court may award to the state a civil penalty of not more than [\$1,000] per violation”	Up to \$1,000 per violation	<i>State ex rel. Nixon v. Consumer Auto. Res., Inc.</i> , 882 S.W.2d 717 (Mo. Ct. App. 1994)	\$273,600	1,368 violations determined by the number of memberships sold in “a multi-level marketing program” determined to be a pyramid scheme
Montana	Montana Code Ann. § 30-14-142(2) provides that “the department, upon petition to the court, may recover on behalf of the state a civil fine of not more than \$10,000 for each violation.”	Up to \$10,000 for each violation	No awards sustained on appeal located	N/A	N/A

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Nevada	Nev. Rev. Stat. § 598.0999(2) provides that if a court finds a willful violation, the attorney general “may recover a civil penalty not to exceed \$15,000 for each violation.”	Up to \$15,000 per willful violation	<i>Hirji v. State</i> , 2013 WL 7158555 (Nev. 2013)	\$100,000 ⁴	20 violations related to defendant auto repair shop’s charging for services not performed or unnecessary
North Dakota	N.D. Century Code § 51-15-11 states that the state may recover a civil penalty “of not more than [\$5,000] for each violation” in addition to any other remedies authorized by statute.	Up to \$5,000 per violation	No awards sustained on appeal located	N/A	N/A

⁴ **Nevada:** The statutory maximum was \$5,000 per violation at the time of the award. In July 2023, Nevada amended Nev. Rev. Stat. § 598.0999(2) and increased the maximum penalty from \$5,000 to \$15,000 per willful violation.

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Puerto Rico	10 L.P.R.A. § 259(c) states that the Department of Consumer Affairs may impose a civil penalty of up to \$5,000 for each violation if violation is found to have been done with actual knowledge. The Puerto Rico statute does not allow a court to award penalties in the first instance.	Up to \$5,000 per knowing violation	No awards sustained on appeal located	N/A	N/A
South Carolina	S.C. Code Ann. § 39-5-110(a) provides that if a court finds a willful violation of the statute, “the Attorney General, upon petition to the court, may recover on behalf of the State a civil penalty” not exceeding \$5,000 per violation.	Up to \$5,000 per willful violation	<i>State ex re. Wilson v. Ortho-McNeil-Janssen Pharms.</i> , 777 S.E.2d 176 (S.C. 2015)	\$124.3 million	553,055 violations determined by the number of deceptive sales and marketing materials were issued relating to prescriptions for the anti-psychotic drug Risperdal
South Dakota	SDCL § 37-24-27 provides that for intentional violations, “the attorney general . . . may recover . . . a civil penalty of not more than [\$2,000] per violation.”	Up to \$2,000 per intentional violation	<i>State v. Western Capital Corp.</i> , 290 N.W.2d 467 (S.D. 1980)	\$22,000	11 violations determined by the number of contracts and loan applications that the defendant loan broker entered into with South Dakota consumers

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Texas	Tex Bus. & Com. Code § 17.47(c) provides for a “civil penalty to be paid to the state in any amount of: (1) not more than \$10,000 per violation[.]”	Up to \$10,000 per violation	<i>Avila v. State</i> , 252 S.W.3d 632 (Tex. App.—Tyler 2008, no pet.)	\$100,000 ⁵	Does not specify number of violations found or how counted; case involved allegation that defendants committed deceptive acts in connection with their business assisting Spanish speaking individuals with immigration matters and federal income taxes
Utah	Utah Code § 13-11-17(1)(d) permits the State to “obtain a fine in an amount determined” by the court based on specific statutory factors enumerated in § 13-11-17(6).	No maximum cap specified	No awards sustained on appeal located	N/A	N/A

⁵ **Texas:** This is the amount of the total award, \$50,000 per defendant.